No. 16-1436

In the Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL., PETITIONERS

v.

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, ET AL., RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

BRIEF OF *AMICUS CURIAE* DAVID BOYLE IN SUPPORT OF NEITHER PARTY

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AMICUS CURIAE STATEMENT OF INTEREST

The present *amicus curiae*, David Boyle ("Amicus"),[1] once wrote the Court about the Mideast, in *Zivotofsky v. Kerry*, 576 U.S. ___ (2015). So, he now advises re present Mideastern/African issues.

SUMMARY OF ARGUMENT

Executive Order 13,780, 82 Fed. Reg. 13,209 (Mar. 9, 2017) ("The Order") may or may not be arbitrary, unrealistic, or rife with forbidden animus.

ARGUMENT

"There is no compulsion in religion." *The Koran*, Sura 2:256. The Order thus may be *even less liberal than the Koran*, in that the Order—like its earlier version—exerts a "TRAVEL BAN", says the President, https://twitter.com/realDonaldTrump/status/871899511525961728 (June 5, 2017, 6:20 p.m.), on some largely-Islamic nations and risks illegal religious animus, per the court below.

Why is Saudi Arabia, donor of 15 9/11 hijackers, not travel-banned? Or, after Turkish President Erdoğan's bodyguards *physically attacked Americans* on May 16 in Washington, D.C., why was Turkey not banned? So, the Order may be but a Baudrillard-style "hyperreality", a mere simulacrum of rational foreign policy, "extend[ing] the absence at the heart

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[1] No party or its counsel wrote or helped write this brief, or gave money for the brief, *see* S. Ct. R. 37. Blanket permission by Petitioners to write briefs is filed with the Court, and Respondents have written Amicus a letter of permission. Amicus contacted parties at least 10 days before June 12.

of politics", Jean Baudrillard, *The Spirit of Terrorism*, Le Monde, Nov. 2, 2001 (tr. Rachel Bloul), *available at* https://cryptome.org/baud-terr.htm. The Order almost resembles a type of "performance art" designed to make (some) Americans feel safer from "Islam", without actually producing safety. Indeed, such measures may create the kind of animus that led Jeremy Christian—an ironic cognomen—to murder two defenders of women against Christian's Islamophobic abuse in Portland, Oregon on May 26.

But the Court could try (?) using other "evidence" to support the Order: e.g., the President's claiming Iran may be evil enough to *deserve* a terrorist attack, *see* Claire Shaffer, *Trump White House Blames ISIS Attack on Tehran and the 'Evil They Promote'*, Newsweek, June 7, 2017, 5:24 p.m., http://www.newsweek.com/donald-trump-islamic-state-terrorist-iran-evil-622727—considering such claims' judgment and veracity at their genuine worth, of course.

CONCLUSION

The Court may ponder its options, e.g., summary affirmance, with explanation; and Amicus humbly thanks the Court for its time and consideration.

June 10, 2017 Respectfully submitted,

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